



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 24 2014

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gerry W. McCoige
Facilities Manager
Polygon Company
103 Industrial Park Drive
Walkerton, Indiana 46574

Re: Administrative Order EPA-5-2014-113(a)-IN-03

Dear Mr. McCoige:

Enclosed is an executed original of the Administrative Consent Order regarding the above captioned case. If you have any questions about the Order, please contact me at (312) 886-3850.

Sincerely,

A handwritten signature in black ink, appearing to read "Nathan A. Frank", is written over a horizontal line.

Nathan A. Frank
Chief
Air Enforcement and Compliance Assurance Section (IL/IN)

Enclosure:

cc: Phil Perry
Indiana Department of Environmental Management

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	EPA-5-2014-113(a)-IN-03.
)	
Polygon Company)	
103 Industrial Park Drive)	
Walkerton, Indiana)	Proceeding Under Section 113(a)(1)(3)
)	of the Clean Air Act, 42 U.S.C.
)	§ 113(a)(1)(3)

Administrative Consent Order

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 5, is issuing this Order to Polygon Company ("Polygon") under Sections 113(a)(1)(3) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a)(1)(3).

Statutory and Regulatory Background

2. Each state must submit to the Administrator of EPA a plan for attaining and maintaining the National Ambient Air Quality Standards under Section 110 of the CAA, 42 U.S.C. § 7410.

3. On July 16, 2002, EPA approved revised opacity rules set forth in the Indiana Administrative Code at Ind. Admin. Code tit. 326, r. 5-1 to 5-5, as part of the SIP for the State of Indiana. See 67 Fed. Reg. 46589. The federally-enforceable requirements of Ind. Admin. Code tit. 326, r. 5-1 to 5-5 are set forth in the Indiana SIP at 326 IAC 5-1.

4. The Indiana SIP at 326 IAC 5-1 [Ind. Admin. Code tit. 326, r. 5-1-2(2)(A)] requires that opacity shall not exceed an average of forty percent (40%) in any one six-minute averaging period for sources not listed in the Indiana SIP at 326 IAC 5-1 [Ind. Admin. Code tit. 326, r. 5-1-1(c)].

5. On August 18, 1995, EPA approved Indiana's Federally Enforceable State Operating Permit (FESOP) program as part of the federally-enforceable Indiana SIP. See 60 Fed. Reg. 43008. Indiana's FESOP program is codified at Ind. Admin. Code tit. 326, r. 2-8-1 through 2-8-17, and set forth in the Indiana SIP at 326 IAC 2-8-1 through 2-8-17.

6. Pursuant to the Indiana SIP at 326 IAC 2-8-2, a source required by the Indiana SIP at Ind. Admin. Code tit. 326, r. 2-7-2(a) to have a Part 70 permit (Indiana's federally-approved Title V operating permit program) may apply to IDEM for a FESOP.

7. The Indiana SIP at 326 IAC 2-8-4(1) requires that all FESOPs contain emission limitations and standards assuring compliance with all applicable requirements in effect at the time of the FESOP issuance.

8. Pursuant to the Indiana SIP at 326 IAC 2-8-6(b), EPA may enforce all terms and conditions in a FESOP, including any provisions designed to limit a source's potential to emit.

9. Pursuant to 40 C.F.R. § 52.23, a person who fails to comply with any permit limitation or condition contained within a permit to operate issued under an EPA-approved regulatory program that is incorporated into a SIP violates the SIP, and is subject to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

10. Under Section 113(a)(1) of the CAA, 42 U.S.C. § 7413 (a)(1), the Administrator of EPA may issue an order requiring compliance to any person who has violated or is violating a SIP.

Findings

11. Polygon owns and operates a resin fiberglass manufacturing facility located at 103 Industrial Park Drive, Walkerton, Indiana (Facility). The Facility includes a plant building located on Tennessee Street in Walkerton (the Tennessee Street plant).

12. Polygon operates five natural gas-fired ovens at the Tennessee Street plant, identified as Gas Ovens #1 through 5, which heat resin-coated fiberglass parts.

13. On April 25, 2008, IDEM issued FESOP No. F141-25464-00062 (Polygon's FESOP) to Polygon for the Facility.

14. Part C.3 of Polygon's FESOP incorporates the opacity limit set forth in the Indiana SIP at 326 IAC 5-1 [Ind. Admin. Code tit. 326, r. 5-1-2(2) (A)], requiring Polygon to limit opacity emissions at its entire source to an average of forty percent (40%) in any one six-minute averaging period. On June 14, 2013, EPA issued to Polygon an information request pursuant to Section 114 of the CAA, 42 U.S.C. § 7414, requiring the company, among other things, to test a representative oven at the Tennessee Street plant.

15. On August 7 and 8, 2013, a certified observer hired by Polygon read opacity at the Facility's Gas Oven #3 in accordance with 40 C.F.R. Part 60, Appendix A, Reference Method 9.

16. Corresponding with the opacity reading on August 7 and 8, 2013, a filterable particulate emissions test was conducted at the Facility's Gas Oven #3 in accordance with 40 C.F.R. Part 60, Appendix A, Reference Method 5.

17. On August 7 and 8, 2013, the certified observer hired by Polygon observed opacity levels averaged over a six-minute average exceeding the opacity limit in Part C.3 of Polygon's FESOP.

18. Particulate matter emissions from the stack test corresponding with the opacity readings at the Facility were 0.005 lbs/hr, below the permitted mass particulate matter emission limit in Polygon's FESOP.

19. EPA alleges that Polygon's failure to comply with the opacity limit established in Polygon's FESOP violated the Indiana SIP and CAA Section 113.

20. On September 26, 2013, EPA issued to Polygon a notice of violation (the "NOV") alleging that it violated the Indiana SIP provision for opacity at their Tennessee Street facility.

21. On November 19, 2013, March 4, 2014 and April 22, 2014, representatives of Polygon and EPA discussed the NOV.

Compliance Program

22. By the effective date of this Order, Polygon must achieve, demonstrate and maintain compliance with the Indiana SIP at its Walkerton, Indiana facility.

23. Polygon must complete modifications at all five natural gas-fired ovens at the Tennessee Street plant, identified as Gas Ovens #1 through 5, which heat resin-coated fiberglass parts, to ensure that opacity readings do not exceed 40 percent over a six-minute average, according to 40 C.F.R. Part 60; Appendix A; EPA Reference Method 9.

24. Polygon must conduct opacity monitoring (using 40 C.F.R. Part 60; Appendix A; EPA Reference Method 9 once per month for 6 calendar months; and once quarterly for the following 6 months, for a total of 8 monitoring events over 12 months. Opacity monitoring required under this paragraph will begin in the first full month following the month in which this Order becomes effective under paragraph 35 (below).

25. Polygon must submit the results of the monitoring required in paragraph 24 within 30 days of each compliance test under Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1).

26. Polygon must send all reports required by this Order to:

Attention: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

General Provisions

27. Polygon does not admit any factual allegation, alleged violation, or legal conclusion alleged in this Order or the NOV, but in the interest of settlement Polygon agrees not to contest the jurisdictional allegations in this Order.

28. This Order does not affect Polygon's responsibility to comply with other federal, state and local laws.

29. This Order does not restrict EPA's authority to enforce the Indiana SIP or any other section of the CAA.

30. Nothing in this Order limits the EPA's authority to seek appropriate relief, including penalties, under Section 113 of the CAA, 42 U.S.C. § 7413, for Polygon's violation of the Indiana SIP.

31. Failure to comply with this Order may subject Polygon to penalties of up to \$37,500 per day for each violation under Section 113 of the CAA, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

32. This Order is binding on Polygon, its assignees and successors. Polygon Company must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to EPA, at the above address, that it has given the notice, provided that a transfer of ownership occurs prior to the termination of this Order.


33. EPA may use any information submitted under this Order in an administrative, civil judicial or criminal action.

34. Polygon agrees to the terms of this Order.

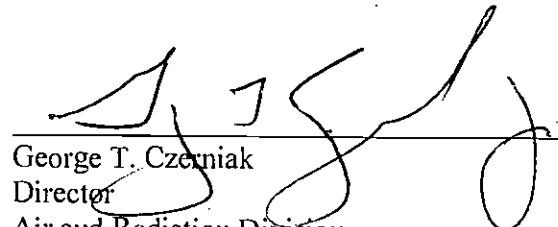
35. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will terminate on the date that Polygon has submitted the final

opacity monitoring results required under paragraphs 24 and 25, provided that Polygon Company has complied with all terms of the Order throughout its duration.

9/15/14
Date


Gerry McCoige
Facilities Manager
Polygon Company

9/24/14
Date


George T. Czerniak
Director
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5

CERTIFICATE OF MAILING

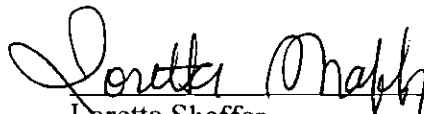
I, Loretta Shaffer, certify that I sent the Administrative Consent Order, EPA-5-14-113(a)-IN-03, by certified mail, return receipt requested, to:

Gerry McCoige
Facilities Manager
Polygon Company
103 Industrial Park Drive
Walkerton, Indiana

I also certify that I sent a copy of the Administrative Consent Order, EPA-5-14-113(a)-IN-03, by first-class mail to:

Phil Perry, Chief
Compliance and Enforcement Branch
Office of Air Quality
Indiana Department of Environmental Management
100 North Senate Avenue, room IOCN 1003
Indianapolis, Indiana 46206-6015

On the 26 day of September 2014.



Loretta Shaffer
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT
NUMBER:

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